

Rule 5010-1. Reopening Cases.

(A) Filing Fee. A motion to reopen a case must be accompanied by the filing fee in effect at that time unless the case is being reopened to correct an administrative error or for actions affecting the discharge of the debtor or unless the motion is being filed by a trustee and contains a request for deferral of payment of fee until assets are recovered from the estate.

[Comment: See "Clerk's Summary of Fees".]

(B) Reopening to Add a Creditor. In a no-asset individual chapter 7 case, a motion to reopen a case to add an omitted creditor must be accompanied by a proposed order conforming to the Local Form "Order Reopening Case to Add Omitted Creditor". The order shall direct the debtor to file amended schedules and an adversary complaint to determine dischargeability of each omitted creditor's claim within 15 days after entry of the order. No trustee shall be appointed. If the debtor fails to timely comply with the order, the case shall be re-closed without further notice.

[Comment: See also 11 U.S.C. § 523(a) (dischargeability of debt) and Local Rule 9013-1(D)(3)(j) (matters for which negative notice can be used).]

(C) Reopening to Administer Additional Assets. In a chapter 7 case, a motion to reopen a case to administer additional assets must be accompanied by a proposed order which conforms to the Local Form "Order Reopening Case to Administer Additional Assets".

(D) Motions to Reopen Chapter 13 Cases. A motion to reopen a chapter 13 case for the purposes of reinstating the case must comply with the provisions of Local Rule 9013-1(E)(3).

(E) Reopening to Correct Social Security Number of Debtor. A motion to reopen a case to correct the social security number of the debtor must be accompanied by the required reopening fee and must be filed in accordance with the provisions of Local Rule 1009-1(A)(2).

<p>✎ 2002 Amendment: Amended to cross reference Local Rule 1009-1(A)(2) which incorporates the provisions of AO 99-1.</p>

(F) Reopening Case to Avoid a Judicial Lien. Upon the filing of a motion to reopen case to avoid judicial lien, accompanied by the fee required by subdivision (A) of this rule, the case shall be deemed reopened without further order of the court. The court shall consider a motion to avoid judicial lien filed in accordance with Local Rule 4003-2 and served pursuant to either Local Rule 9013-1(D)(3)(f) or Local Rule 9073-1. The motion shall be served on the affected parties in accordance with Bankruptcy Rule 7004. Upon entry of an order on the motion to avoid judicial lien, the case shall be reclosed without further order of the court.

✎ 2002 Amendment: New rule setting forth procedures for reopening a case to avoid a judicial lien.

[Comment: See also 11 U.S.C. § 350(b) (reopening case).]